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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

FEB 11 1988

5-WQC-TUB-8

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. C. W. Axce
General Manager
BASF Corporation, Chemicals Division
1609 Biddle Avenue
Wyandotte, Michigan 48192

Re: Riverview, Michigan Site
Administrative Order
Docket No. V-W-88-AO-31

Dear Mr. Axce:

Enclosed herewith is the above-referenced Administrative Order. This Order supersedes the Order we sent you previously (V-W-87-AO-43). It is intended to reflect the discussions of the December 2, 1987, meeting you had with representatives of the U.S. Environmental Protection Agency and the Michigan Department of Natural Resources, and ensuing telephone and written communications with this Agency.

Please contact Ms. Elizabeth Schenkier of the Office of Regional Counsel or Mr. Robert Newport of my staff if you have any questions regarding this matter.

Sincerely yours,

Charles H. Sutfin
Director, Water Division

Enclosure

cc: Paul Zugger, MDNR
Roy Schrameck, MDNR
Leonard Lipinski, MDNR
Thomas Hays, Esq., BASF

bcc: Connie Puchalski, 5C
Bonnie Eleder, 5HE ✓
Acierto/ARK
Leder

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:

BASF WYANDOTTE CORPORATION
TRENTON, MICHIGAN

DOCKET NO. V-W-88-AO-31

PROCEEDING UNDER SECTIONS 308
AND 309(a) OF THE CLEAN WATER
ACT, 33 U.S.C. SECTIONS 1318
AND 1319(a)

FINDINGS AND ORDER

The following FINDINGS are made and ORDER issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (U.S. EPA), under Sections 308 and 309 of the Clean Water Act (CWA), duly delegated to the Regional Administrator, Region V, and duly redelegated to the undersigned Director, Water Division, Region V.

FINDINGS

1. BASF Corporation (BASF) owns the site located adjacent to Bridge Road, Biddle Avenue, and the Trenton Channel of the Detroit River in Riverview, Michigan. The site was formerly operated as a landfill for industrial wastes.

2. Samples collected and analyzed by BASF and by the Michigan Department of Natural Resources (MDNR) have indicated that the groundwater at the site is contaminated with, among other substances, arsenic, mercury, and naphthalene.

3. Visits to the site by both U.S. EPA and MDNR, and sampling conducted by the MDNR, have revealed that an undetermined quantity of the contaminated groundwater seeps to the surface of the site, and into the cement-lined stormwater conveyance ditch in the middle of the site. Flows

from this ditch, and from the other two stormwater conveyance ditches at the site, are discharged to the Trenton Channel of the Detroit River.

4. The concrete-lined ditch, and the other two stormwater conveyance ditches at the site, are point sources as defined in Section 502 of the CWA, 33 U.S.C. Section 1362(14).

5. Section 308 of the CWA authorizes the U.S. EPA Administrator, among other authorities, to require the owner or operator of any point source to provide information or conduct studies where such information or studies are needed to carry out the objectives of the CWA.

ORDER

BASED ON THE FOREGOING FINDINGS, and pursuant to the authority vested in the U.S. EPA Administrator under Sections 308 and 309 of the CWA, and by him duly delegated to the Regional Administrator, Region V, which authority has been duly redelegated to the undersigned, IT IS HEREBY ORDERED:

1. That within fifteen (15) days of receipt of this Order, BASF shall submit to both U.S. EPA and the MDNR at the addresses specified in Provision No. 7, below, a written certification of its intent to comply with this Order.

2. That by February 26, 1988, BASF shall submit to both U.S. EPA and the MDNR a detailed plan of study for evaluating the extent to which pollutants are being discharged from the ditches at the site to the Trenton Channel of the Detroit River. This evaluation shall explicitly address the following questions:

- (a) What quantity of seepage occurs in the concrete-lined ditch under various hydrological conditions, and what

is the estimated annual amount of seepage?

- (b) Under the various hydrological conditions, what pollutants are present at what concentrations in the seep?
- (c) To what extent is seepage occurring at the other two ditches, and if seepage is occurring, what pollutants are present at what concentrations in the seep?
- (d) What is the estimated quantity of stormwater run-off from the site?
- (e) Does stormwater run-off from the site, resulting from either rainfall or snowmelt, contain pollutants, and, if so, at what concentrations?

The plan shall provide for testing for seepage under both high and low groundwater conditions, and appropriate sampling and analysis of run-off during at least two spring and two summer storm events.

3. Changes to the plan of study shall be made within 15 days of receipt of comments from either U.S. EPA or the MDNR.

4. BASF shall begin implementation of the plan of study no later than April 1, 1988.

5. BASF shall complete the evaluation by no later than September 30, 1988.

6. BASF shall submit a report summarizing the evaluation conducted, including a complete summary of the raw data collected, by no later than November 15, 1988.

7. Two copies of the documents required under Provisions No. 2

and 6 of this Order shall be sent to the following address:

U.S. EPA, Region V
Water Division, Compliance Section
230 South Dearborn Street
Chicago, Illinois 60604
Attention: Robert Newport

One copy of each document shall be sent to the following address:

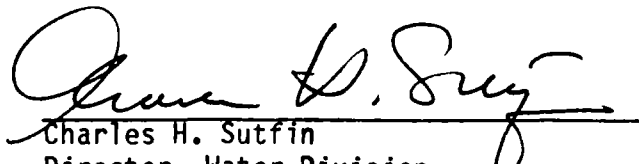
Michigan DNR
Surface Water Quality Division
505 West Main Street
Northville, Michigan 48167
Attention: Catherine Morse

One copy of each document shall be sent to:

Michigan DNR
Environmental Response Division
P.O. Box 30028
Lansing, Michigan 48909
Attention: Leonard Lipinski

Neither the issuance of this Order by the U.S. EPA, nor compliance with this Order by BASF, shall be deemed to relieve BASF of liability for any penalty, fine, remedy or sanction authorized to be imposed pursuant to Section 309(b), (c), (d), and/or (g) of the CWA, as amended, for any violations of the applicable requirements of the CWA. U.S. EPA specifically reserves the right to seek any or all of the remedies specified in Section 309(b), (c), (d), and/or (g) of the CWA for any such violations.

Signed this 11th day of February, 1988


Charles H. Sutfin
Director, Water Division
U.S. Environmental Protection Agency
Region V